IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2986 OF 2005

M/s. Laser SOS (I) Pvt. Ltd. ... Petitioner

V/s

The Municipal Corpn. of Gr. Mumbai & ors. ... Respondents

Mr. P.J. Thorat for the petitioner.

Mrs. A.R. Joshi for the respondent Corporation.

CORAM: P.V. KAKADE, J.

DATED: 14TH DEC., 2005

Mentioned. Not on board.

P.C.:

1. Heard advocate for the petitioner. Advocate for the respondents appears and waives service.

2. Rule. By consent Rule made returnable forthwith.

3. The petitioner is permitted to file reply/additional reply to the impugned notice dated 1.6.2005 bearing No. KW/351/1475/BF passed under Sec.351 of the Mumbai Municipal Corporation Act, 1888 in respect of Unit

No.33/157, Laxmi Industrial Estate, Andheri (W), Mumbai - 400 058 within a period of two weeks from today.

4. The respondent No.3 shall consider the reply/additional reply alongwith the documentary evidence filed by the petitioner by giving a personal hearing to the petitioner and shall pass appropriate order within a period of four weeks of filing such reply/additional reply.

5. In the event the order passed by the respondent No.3 is adverse to the petitioner, the respondents shall not take any action of demolition and/or removal of any portion of the mezzanine floor of the aforesaid unit for a further period of six weeks from the date of communication of the order passed by the respondent No.3 as mentioned above in order to enable the petitioner to issue a prior notice under Sec. 527 of the Mumbai Municipal Corporation Act, 1888 before filing/instituting a suit before the appropriate forum.

6. The respondents shall not take any action of demolition and/or removal of any part of the mezzanine floor which is the subject matter of the impugned notice in respect of the aforesaid unit till the period as

mentioned in Clauses 2 and 3 expires.

7. In view of this position, the writ petition stands disposed of accordingly at this stage itself with no order as to costs.

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